

REMARKS

Claims 1 and 2 have been canceled. Claim 6, amended claims 3-5 and 7, and new claim 8 are in this application.

Claims 1, 3-5, and 7 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,711,594 (Yano), in view of U.S. Publication No. 2004/0172538 (Sato).

As previously indicated, independent claim 1 has been canceled. New independent claim 8 (from which claims 3-5 and 7 depend) has been added herein. Such new independent claim includes some features from claims 1 and 5 and additional features. As a result, such new independent claim 8 recites in part the following:

"storage means for storing digital data;

an aggregation circuit for receiving a number of files of stored digital data from the storage means and for aggregating the received number of files into one aggregate file;

a circuit for obtaining a file size of digital data;

a division circuit for dividing the aggregate file formed by the aggregation circuit into a plurality of files each having the file size obtained by the circuit for obtaining;

an encryption circuit for encrypting the digital data of the plurality of files into encrypted data;

means for supplying the encrypted digital data to a single external storage unit so as to be stored thereat and for receiving stored encrypted digital data therefrom;

. . . .

in which during a back up operation, the number of files of stored digital data from the storage means are supplied to the aggregation circuit and aggregated thereat into the one aggregate file which is divided into the plurality of files by the division circuit each having the file size which are encrypted by the encryption circuit into the encrypted data and supplied to the single external storage unit so as to be stored thereat such that all files of stored digital data from the storage means which are to be backed up during the back up operation are stored in the single external storage unit. . . ." (Emphasis added.)

Accordingly, in the apparatus of claim 8, an aggregation circuit may receive a number of files of digital data from a storage means and may aggregate the same into one aggregate file. Such one aggregate file may be divided into a plurality of files by a division circuit. Such files may be encrypted and supplied to a single external storage unit so as to be stored thereat. As a result, during a back up operation, all files of stored digital data from the storage means which are to be backed up are stored in the single external storage unit.

The above features are believed to be disclosed in the present application. As an example, reference is made to Fig. 1, line 10 of page 4, section 2-1 on pages 6 and 7, and line 20 of page 10 of the present application.

It is respectfully submitted that claim 8 is distinguishable from the combination of Yano and Satoh applied by the Examiner for at least the following reasons:

First, it is respectfully submitted that the combination of Yano and Satoh applied by the Examiner does not appear to disclose "such that all files of stored digital data from the storage means which are to be backed up during the back up operation are stored in the single external storage unit" as

recited in claim 8. (Emphasis added.) That is, in discussing the above rejection with regard to claim 1, the Examiner appears to rely on Yano for disclosing storing data in an external storage unit. (See, for example, lines 12-16 of page 3 of the present Office Action.) It is respectfully submitted that Yano does not appear to save all data files in a backup operation to a "single external storage unit." Instead, Yano appears to save data from divided files to a plurality of data servers. (See, for example, lines 59-60 of column 1, lines 23-28 of column 2, and lines 4-7 of column 8 of Yano.) Yano appears to assert that such use of a plurality of servers is done to provide low cost security. (See lines 8-18 of column 8 of Yano.)

Second, it is respectfully submitted that the combination of Yano and Satoh applied by the Examiner does not appear to disclose "an aggregation circuit . . . for aggregating the received number of files into one aggregate file" and "a division circuit for dividing the aggregate file . . . into a plurality of files each having the file size" as recited in claim 8. (Emphasis added.) That is, in discussing the above rejection with regard to claims 1 and 5, the Examiner appears to rely on Yano for disclosing an aggregation circuit and a division circuit. (See, for example, subsection 1 on page 3 and subsection 5 on page 6 of the present Office Action.) It is respectfully submitted that the portions of Yano relied on by the Examiner do not appear to specifically disclose a division circuit which divides "the aggregate file" formed by an aggregation circuit. Instead, the aggregate circuit of Yano appears to combine or integrate the divided parts into the original file. (See, for example, line 66 of column 1 to line 1 of column 2 of Yano.)

Accordingly, it is respectfully submitted that claim 8 is distinguishable from the combination of Yano and Satoh applied by the Examiner. Since claims 3-5 and 7 depend from

claim 8, it is also respectfully submitted that claims 3-5 are also distinguishable from the combination of Yano and Satoh applied by the Examiner for at least the same reasons.

Claim 6 was rejected under 35 U.S.C. 103(a) as being unpatentable over Yano et al., in view of Satoh et al., and further in view of U.S. Publication No. 2003/0084290 (Murty).

Claim 6 depends from claim 8. As such, it is respectfully submitted that claim 6 is distinguishable from the combination of Yano and Satoh applied by the Examiner for at least the reasons previously described. The Examiner does not appear to have relied on Murty to overcome the above-described deficiencies of Yano. Accordingly, it is respectfully submitted that claim 6 is distinguishable over the applied combination of Yano, Satoh and Murty and, as such, it is requested that the above 103 of claim 6 be withdrawn.

As it is believed that all of the rejections set forth in the Official Action have been overcome, favorable reconsideration and allowance are earnestly solicited. If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that the Examiner telephone applicant's attorney at (908) 654-5000 in order to overcome any additional rejections and/or objections which the Examiner might have.

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If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

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Respectfully submitted,

By 

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